

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 93 entitled “An act relating to disclosure of lobbying advertisements”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. FINDINGS

8 (a) The effective public disclosure of the identity and extent of the efforts
9 of registered lobbyists, lobbying firms, and lobbyist employers to influence
10 Vermont’s legislators and administration officials during the legislative session
11 will increase public confidence in the integrity of the governmental process.

12 (b) Responsible representative government requires public awareness of the
13 efforts of registered lobbyists, lobbying firms, and lobbyist employers to
14 influence the public decision-making process in both the Legislative and
15 Executive Branches of Vermont’s government.

16 (c) Requiring registered lobbyists, lobbying firms, and lobbyist employers
17 to report significant advertising campaigns that are intended, designed, or
18 calculated, directly or indirectly, to influence legislative or administrative
19 action enables the public, legislators, and administrative officials to evaluate
20 better the pressures and content of the message when considering that action.

1 (d) The lack of detail in current required lobbying disclosure filings does
2 not provide the public, legislators, and administrative officials with enough
3 relevant information about who is attempting to influence the legislative and
4 administrative process through advertising, and the timing of current required
5 lobbying disclosure filings prevents the public, legislators, and administrative
6 officials from evaluating the pressures and content of lobbying advertising at
7 the time public policy is being debated.

8 (e) Requiring registered lobbyists, lobbying firms, and lobbyist employers
9 to designate clearly the name of the lobbyist, lobbying firm, or lobbyist
10 employer paying for an advertisement within the advertisement allows the
11 public, legislators, and administrative officials to determine who is attempting
12 to influence the legislative and administrative process through advertising, to
13 evaluate the pressures and content of lobbying advertising at the time when
14 public policy is being debated, to trace coordinated advertising buys, and to
15 track such spending over time.

16 Sec. 2. 2 V.S.A. § 264c is added to read:

17 § 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING

18 ADVERTISEMENTS

19 (a) Identification.

20 (1) An advertisement that is intended, designed, or calculated, directly
21 or indirectly, to influence legislative or administrative action and made at any

1 time prior to final adjournment of a biennial or adjourned legislative session
2 shall contain the name of any lobbyist, lobbying firm, or lobbyist employer
3 that made an expenditure for the advertisement and language that the
4 advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or
5 lobbyist employer; provided, however, that if there are more than three such
6 names, only the three lobbyists, lobbying firms, or lobbyist employers that
7 made the largest expenditures for the advertisement shall be required to be
8 identified.

9 (2) This identification information shall appear prominently and in a
10 manner such that a reasonable person would clearly understand by whom the
11 expenditure has been made.

12 (b) Report.

13 (1) In addition to any other reports required to be filed under this
14 chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an
15 advertisement report with the Secretary of State if he, she, or it makes an
16 expenditure or expenditures:

17 (A) for any advertisement that is described in subsection (a) of this
18 section and that has a cost totaling \$1,000.00 or more; or

19 (B) for any advertising campaign that contains advertisements
20 described in subsection (a) of this section and that has a cost totaling \$1,000.00
21 or more.

1 (2) The report shall be made for each advertisement or advertising
2 campaign described in subdivision (1) of this subsection and shall identify the
3 lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the
4 amount and date of the expenditure and to whom it was paid; and a brief
5 description of the advertisement or advertising campaign.

6 (3) The report shall be filed within 48 hours of the expenditure or the
7 advertisement or advertising campaign, whichever occurs first.

8 (c) Definitions. As used in this section:

9 (1) “Advertisement” means any form of advertising, including
10 television, radio, print, and electronic media.

11 (2) “Advertising campaign” means advertisements substantially similar
12 in nature, regardless of the media in which they are placed.

13 Sec. 3. 2 V.S.A. § 264 is amended to read:

14 § 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
15 EMPLOYERS; LOBBYISTS

16 (a) Every employer and every lobbyist registered or required to be
17 registered under this chapter shall file disclosure reports with the Secretary of
18 State as follows:

19 (1) on or before January 15, for the preceding period beginning on
20 July 1 and ending with December 31;

1 Sec. 4. 2 V.S.A. § 265 is amended to read:

2 § 265. ~~PUBLIC ACCESS; REGISTRATION STATEMENTS; REPORTS~~
3 SUBMISSION OF AND ACCESS TO LOBBYING DISCLOSURES

4 ~~The secretary of state shall maintain copies of all lobbyist and employer~~
5 ~~registration statements and disclosure reports and all lobbying firm disclosure~~
6 ~~reports arranged alphabetically, which shall be a public record available for~~
7 ~~public inspection during ordinary business hours. The secretary of state shall~~
8 ~~also compile and maintain a separate report for each reporting period for each~~
9 ~~legislator or administrative official indicating the gifts reported to have been~~
10 ~~given to that legislator or official during the reporting period by employers,~~
11 ~~lobbyists, or lobbying firms, which shall be a public record available for public~~
12 ~~inspection during ordinary business hours. On January 1 of each odd-~~
13 ~~numbered year, the secretary may discard statements and reports that have~~
14 ~~been maintained for a period of four years.~~

15 (a) The Secretary of State shall provide on his or her website an online
16 database of the lobbying disclosures required under this chapter.

17 (1) In this database, the Secretary shall provide digital access to each
18 form he or she shall provide to enable a person to file the statements or reports
19 required under this chapter. Digital access shall enable such a person to file
20 these lobbying disclosures by completing and submitting the disclosure to the
21 Secretary of State online.

1 (2) The Secretary shall maintain on the online database all disclosures
2 that have been filed digitally on it so that any person may have direct
3 machine-readable electronic access to the individual data elements in each
4 disclosure and the ability to search those data elements as soon as a disclosure
5 is filed.

6 (b) Any person required to file a disclosure with the Secretary of State
7 under this chapter shall sign it, declare that it is made under the penalties of
8 perjury, and file it digitally on the online database.

9 Sec. 5. 2 V.S.A. § 267 is amended to read:

10 § 267. ~~VERIFICATION OF STATEMENTS AND REPORTS~~

11 ~~Any statement or report required to be made under any provision of this~~
12 ~~chapter shall contain or be verified by a written declaration that it is made~~
13 ~~under the penalties of perjury. [Repealed.]~~

14 Sec. 6. TRANSITIONAL PROVISION; SECRETARY OF STATE;

15 MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

16 (a) The Secretary of State shall maintain copies of the lobbying reports and
17 registration statements filed with him or her on paper prior to the effective date
18 of this act and the separate report of gifts to legislators and administrative
19 officials he or she compiled under the provisions of 2 V.S.A. § 265 in effect
20 prior to the effective date of this act, and shall make those disclosures available
21 for public inspection during ordinary business hours.

1 (b) On January 1 of each odd-numbered year, the Secretary may discard the
2 disclosures described in subsection (a) of this section that he or she has
3 maintained for a period of at least four years.

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on July 1, 2015.

6 and that after passage the title of the bill be amended to read: “An act relating
7 to lobbying disclosures”

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11 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE